

**Elective Home Education (EHE)
Review
January 2022**

Introduction

Recent case reviews have highlighted safeguarding risks to children who were elected home educated (EHE) as a factor in their abuse and neglect. Media reports and high-profile child deaths have described the risk of EHE children being invisible and isolated with the potential for safeguarding concerns not being identified.

The most recent death of Arthur Labinjo- Hughes highlighted that schools play a significant role in the safeguarding of children by identifying and reporting signs of abuse. During the recent pandemic lockdowns, whilst vulnerable children were encouraged to maintain on site education, this was not always achieved leaving some children at heightened risk of abuse and neglect.

There has been a national increase of parents choosing to EHE. Although EHE is one of parental choice, and many of these situations are positive for children and without concern, in order to assure ourselves that the children in Torbay who are EHE are safe and are receiving good education and are not at risk through this arrangement, we are undertaking a review of all EHE to consider if our processes are effective and the current cohort of EHE children are in receipt of suitable education.

In 2019 new legislation was issued that detailed local authorities roles and responsibilities, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf

In the report, the Government states that although it respects the right to home education and recognises there are many parents who perform the task well, the rise in numbers of home educated children in recent years is a cause for concern.

The Government stated that there was evidence of some parents turning to a variety of unregulated settings such as part-time alternative provision or unregistered independent schools. These settings could pose safeguarding concerns, and increase the risk of exposure to extremism, radicalisation, corporal punishment, or sexual exploitation.

Since 2016, ADCS has undertaken an annual EHE survey to capture the number and characteristics of children and young people who are known to be home educated. The survey also aims to understand the reasons behind a family's decision to electively home educate, how LAs across the country are supporting these families, and how any available resources are being deployed in this area.

In its November 2020 survey of EHE, the Association of Directors of Children's Services (ADCS) used survey data from local authorities to estimate that on 1 October 2020, 75,668 children and young people were being home educated across all 151 local authorities in England. This is an increase of 38% compared to estimates for 1 October 2019. (Source: Lords library 2021)

The most recent survey also highlighted those trends prior to the pandemic showed a regular yearly increase (dating back five years) of home educated children. This has led to concerns over educational quality, oversight and safeguarding provided by local authorities for this group of children. It estimated that the cumulative number of children and young people being electively home educated (EHE) across 152 local authorities at some point during the 2020-21 academic year was 115,542 – a 34% increase on 2019-20 totals.

The report warned however that many of the EHE notifications received since September 2021 had been for families with multiple layers of vulnerability where elective home education “does not seem the most appropriate route for the children concerned”.

There are several reasons for a parent choosing to provide an elective home education may include:

- ideological or philosophical views regarding benefits of the wider school system.
- religious or cultural belief.
- bullying.
- special educational needs; or
- a child being unwilling or unable to cope in a school environment.

During Covid 19 parental concerns about the virus and the impact on physical and mental health on them and their children, may have also been a reason to choose EHE. During the pandemic lockdowns, vulnerable children were encouraged to maintain on site education, this was not always achieved leaving some children at heightened risk of abuse and neglect.

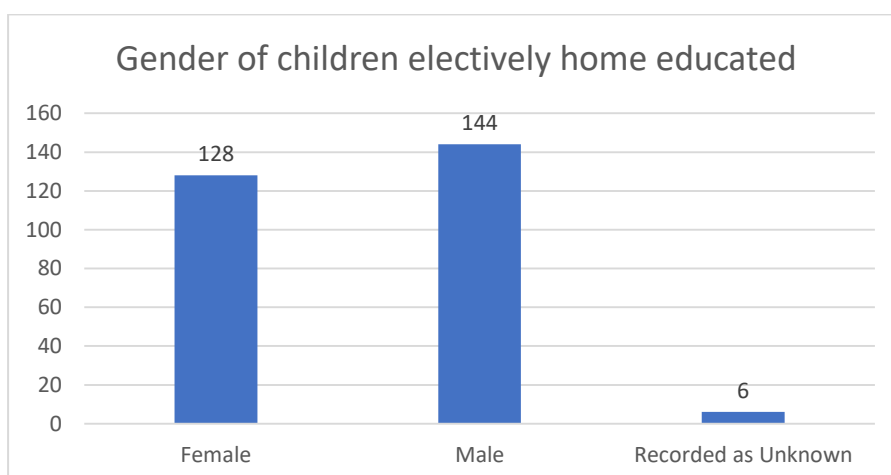
It is noted that the influx of additional requests to EHE due to the pandemic has caused issues in respect of capacity within the VPT and as a result some EHE reviews have been delayed.

The review of EHE children will take place in two stages:

- Stage 1 – review of the data
- Stage 2 – review of children who are EHE

Profile of EHE in Torbay

Currently within Torbay there are 278 children who are EHE

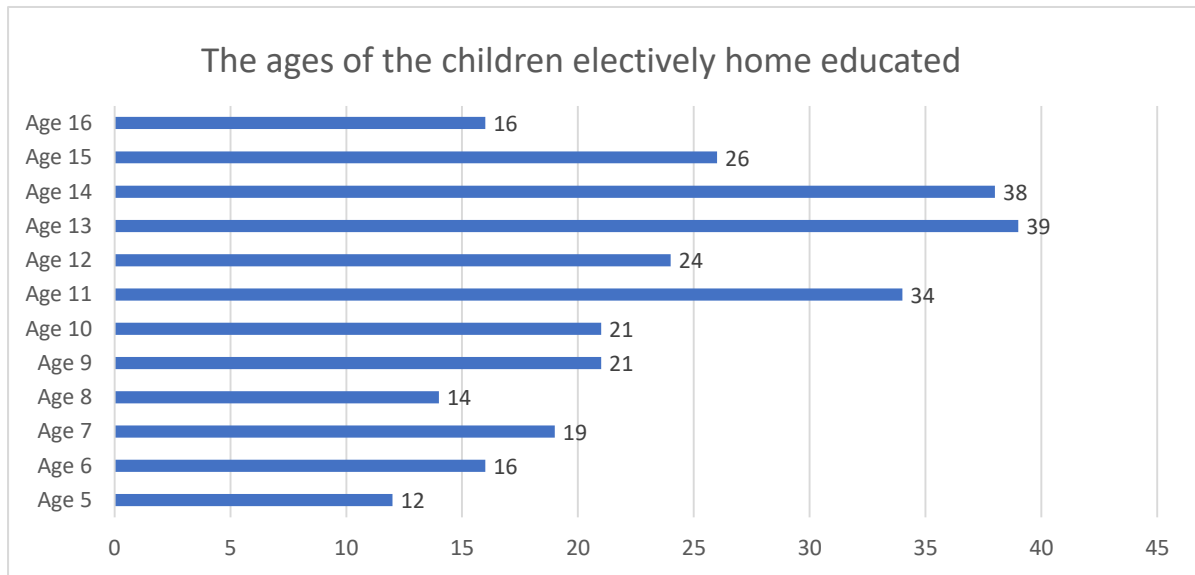


118 Children who are EHE are from sibling groups:

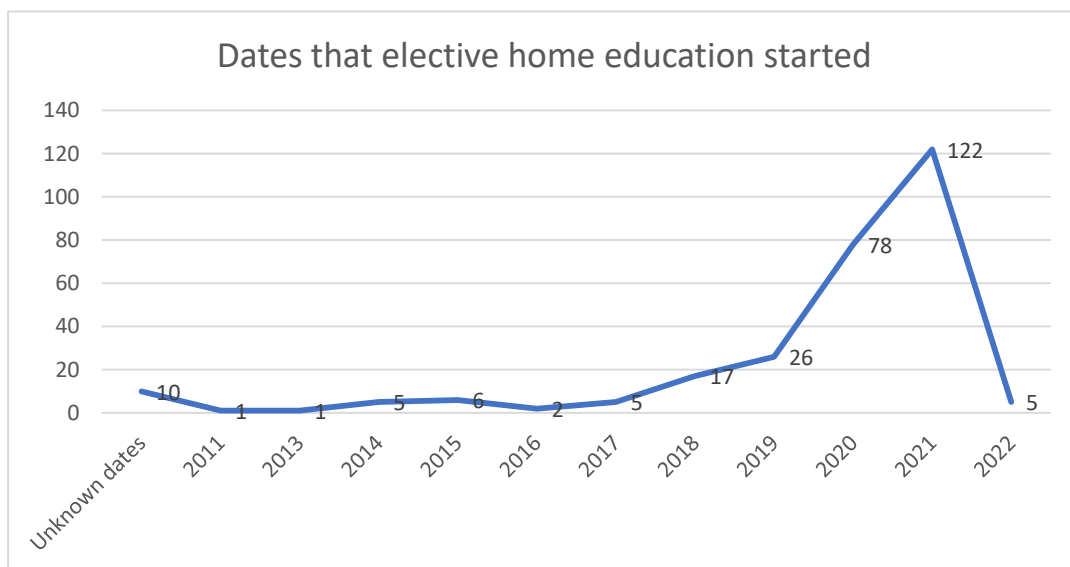
- 45 sibling group of two children

- 7 sibling group of three children
- 2 from a sibling group of four children
- 160 are sole children being EHE

175 children who are EHE are over the age of 11.



The dates that elective home education started ranged from



Impact of COVID 19 on numbers of EHE

Since 2016 and prior to the pandemic, it was recorded that the EHE population was growing by approximately 20% annually.

Over the course of the pandemic, the number of children who were EHE increased significantly as reported in the EHE Survey 2021

[ADCS EHE Survey 2021 Report FINAL.pdf](#)

The report highlighted that there is not a clear understanding of the cohort of EHE given that there is no statutory register.

Since May 2020 159 children in Torbay have become EHE. From the data available the reasons that parents choose EHE are not consistently recorded and therefore it is unclear as to if this rise has been due COVID anxiety, mental health concerns, or other reasons including if parents had experienced home educating during lockdown and wished to continue to do this.

Phase 1 – Data Review

At present data is held on EHE on Microsoft Team folders and an excel spreadsheet. Other relevant data is held on other systems accessible to the Vulnerable Pupils Team (VPT)

The initial data provided covered:

- Basic demographics and information re date EHE started / ended
- Date of last contact with parents where evidence of education standards was gained or provided
- Educational standards
- Notification method for EHE
- Date of contact letter being sent to parents
- Vulnerability (RAG)
- SEND details and
- Known to SC / Education

Additional data was requested for the dip sample to understand strategic trends in relation to EHE.

This included:

- Last school attended
- If the child had been on a part time / excluded from education prior to EHE

Maintaining spreadsheets can be problematic, with the risk of data loss, no access control, data validation and no version controls. The spreadsheet used for the dip sample evidenced all of this and data cleansing was necessary before reviewing children's records could start, this has impacted on the timeliness of the completing the review process.

The lack of reliable information from the spreadsheet indicates that the current system for recording and monitoring EHE children is unreliable. EHE arrangements for some children were not fully recorded, and therefore may not have been fully understood.

The data fields on the spread sheet provided didn't include some details that would support strategic understanding around EHE children in Torbay including the last school attended and if children were subject of school exclusions prior to EHE.

The data sheet currently does not indicate if children are seen by officer or their voices are captured in relation to their views on their EHE or if children are seen annually as part of their EHE review.

Data cleansing has not brought the information fully up to date as there is a reported backlog within the service in annual assessments being completed.

A business case to ensure that the information held by the Vulnerable Pupils Team (including EHE) and the Education Psychology Service can be entered into an information management system has been taken forward. There are solutions within the Capita One management system to host this information and create when appropriate join up with Liquid Logic. The business case has been reviewed at Children's Services DLT management group and progressed to the IT board. Work is in train to bring forward a management solution to the hosting of this information.

Recommendations:

1. Once the management system is in place that this is used to record children who are EHE and is functional to run reports that will enable strategic oversight of the cohort.
2. Until this time for the spreadsheet to be maintained in a way that ensures that it is kept fully up to date and is an accurate record and reflection of all children in Torbay who are EHE.
3. Data that informs the Local Authority about its cohort of EHE to be agreed by ADCS and DCS.
4. To use the data to consider trends in home education as identified in 2019 guidance.
5. Consideration to record "children being seen" as part of the EHE review process.
6. For the data to indicate when education is deemed unsuitable that partner agencies are notified of concerns.

That the reasons why EHE continue to be recorded, where known, and annually reviewed to understand any strategic trends.

RAG rating

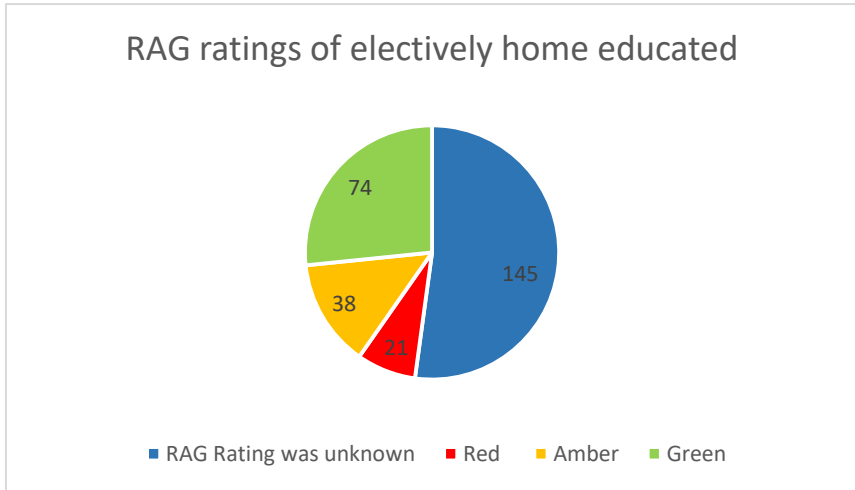
RAG rating was introduced in 2020 at the start of the COVID 19 pandemic by the VPT as a response to a backlog created by rapidly increasing numbers of EHE. It is a temporary measure as the intention is to return to a zero backlog. There is no written guidance on the RAG rating of children, but it was reported that the RAG ratings indicated the urgency of EHE assessments and first contacts.

Any child who becomes EHE and is known to Social Care would automatically be RAG rated red and this would indicate the urgency of assessment and first contact, in the absence of a clear policy it was unclear what these timescales are.

Amber RAG rating is for children who are known to Early Help Service and whom education services may have had some concerns about. These were described as families who may have "limited capacity" to educate or where there had been of concern whilst in education provisions. Green RAG would be all other children.

The RAG rating for some children could be reviewed following contact with other professionals. Parents who were looking for another school provision could also be downgraded whilst the application is monitored. When reviewing the initial RAG ratings on receipt of the data there were:

RAG ratings of electively home educated



Of the 21 children who had red RAG

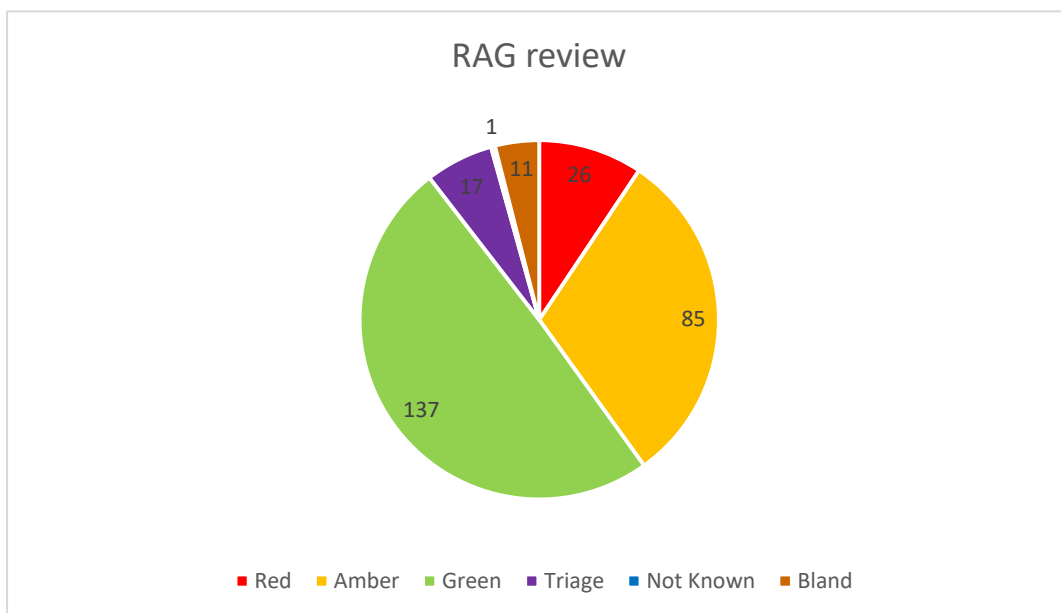
- 5 children were known to have EHCP (4 known to SC)
- 4 children were recorded at SEN(K) (these were described as children at SEN Support who would receive support short of an EHCP were they in school)
- 4 Children had no SEN detail known
- 8 had no SEN
- 10 children were known to SC
- 2 children were known to EH

6 had not been assessed with EHE notification other dates ranging from

- 1 in October 2021
- 4 in November 2021
- 1 in December 2021

3 children had concerns raised around their education 2 of which were on child protection plans.

RAG rating of children was reviewed w/c 14th January 2022:



As there is no written guidance in respect of the RAG rating process, its application and timeliness, it is difficult to say if this process enables the vulnerable children to be identified in a timely way.

The lack of detail available on the data set would indicate that full information was not known about children who were / applied to be EHE and therefore the application of the RAG rating wouldn't be effective or efficient.

The red RAG data reviewed indicated that an assessment of a child RAG rated RED could take 2 – 3 months, which could leave a vulnerable child at risk.

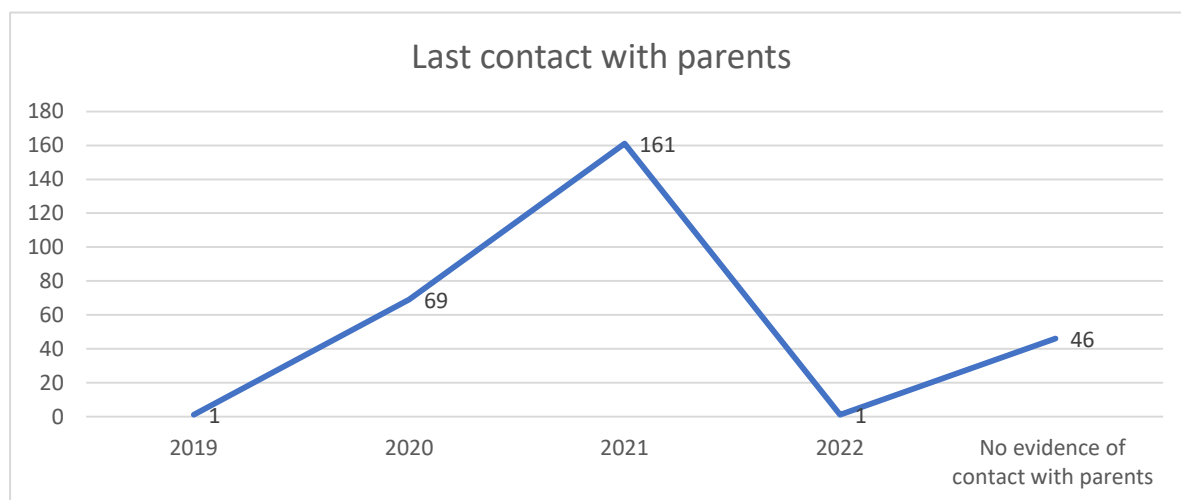
Recommendations:

- That there is written guidance on the RAG rating system with clear guidance as to timescales between notification of EHE and visits should take place using the RAG rating system
- All RAG is reviewed to ensure the data set is accurate and any child RAG rated RED is reviewed within 2 weeks.
- When parents report they are considering alternative school provision that this is monitored and doesn't delay assessment process and recorded on the data set.

Last contact with parents

The 2019 guidance is clear that when parents are educating a child well at home, the need for contact should be minimal. It also states that each local authority should

"Ordinarily makes contact with home educated parents on at least an annual basis so the authority may reasonably inform itself of the current suitability of the education provided. In cases where there were no previous concerns about the education provided and no reason to think that has changed because the parents are continuing to do a good job, such contact would often be very brief"



From the data it would indicate that 162 parents and children have had contact with the local authority over the past year to review education standards, with 116 parents and

children. There is a known backlog of annual reviews with the VPT which is expected to be cleared by April 2022.

The data collected indicates the last contact with parents, it does not indicate if a child was seen during this or consulted, or if visits were made to the home or via email, or other media.

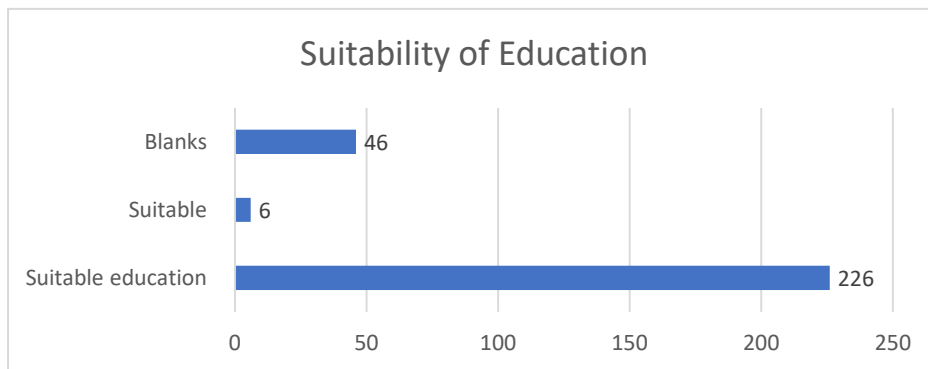
Children's rights and views should be considered as part of the EHE assessment process, and whilst children do not have weight over parental decision, if their views give cause for concern around the EHE arrangement this may inform the decision as to if EHE is suitable or unsuitable. The data also does not indicate children's voices or if the child's home environment was seen, this may be evident in a deeper dive on children's records.

As serious case reviews on some children indicate, EHE children can be invisible to other professionals and organisations, whilst local authorities don't have the power to enter a home, or insist on seeing a child, there are opportunities to have access to children annually and to record a child's voice, these are currently not captured on the data set.

Recommendations

1. That data collected indicates if children are seen as part of the EHE assessment and review.
2. That children's voices are captured as part of the assessment and review where possible.

Suitable education



Information was sought as to what would be deemed suitable and efficient and it was advised that this is a national issue as there is no definition and it was noted that local authorities are not allowed to define it as it would be seen to restrict parental choice as to the best education for their child.

Reference was made to Portsmouth vs Goodred which was a high court judgement given on 16 November 2021 which stated that for a council to be assured that a child was receiving suitable education, it could request that evidence to support this could be sought and that a report alone should not be relied on, and that until the local authority is satisfied that a home educating child is receiving a suitable full-time education, then the child being educated at home falls under the scope of the powers and duties in relation to children missing education.

Torbay's EHE website, in a document for parents, describes suitable as

the child receives an efficient full-time education suitable –

- 1. to their age, ability and aptitude, and*
- 2. to any special educational needs, they may have.*

The document on the website that is accessible for parents and uploaded in 2018, describes efficient and suitable as

"Education can be regarded as efficient if it achieves what it sets out to do and "suitable" if it prepares the child for life in modern society and enables the young person to achieve their full potential."

The 2019 guidance states that

"Until a local authority is satisfied that a home-educated child is receiving a suitable full-time education, then a child being educated at home is potentially in scope of this duty. The department's children missing education statutory guidance for local authorities applies."

The guidance further offers 9 points for local authorities to use when determining if education is suitable.

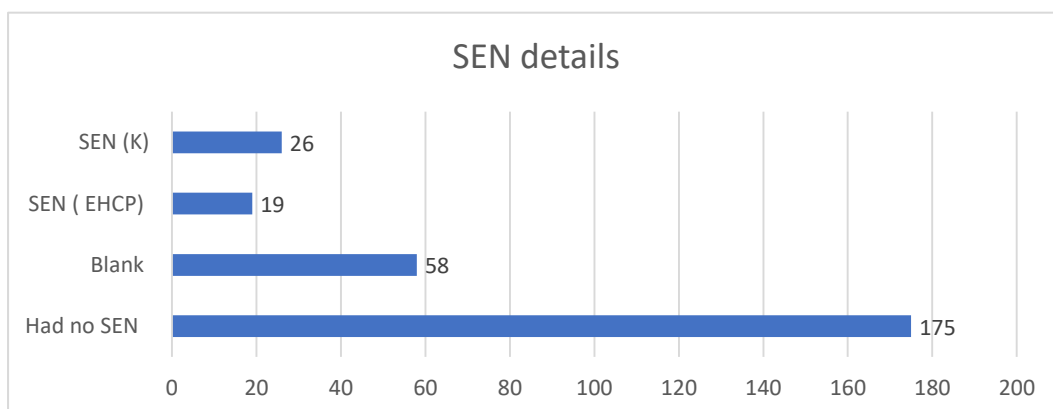
The data set evidenced that there were 6 children where there are concerns about suitability, 266 were felt to have suitable education and 46 children didn't have anything recorded.

The data doesn't indicate what action is being taken in respect of the children whose education isn't deemed suitable, this will be considered in the deeper dive.

Recommendations

- That Torbay review that is deemed suitable and effective in line with the 2019 guidance and High Court Judgement and updates its website accordingly, whilst being mindful that the guidance explicitly prevents an absolute definition.
- That reviews of EHE seek evidence of what is being provided by parents when appropriate
- That the 46 children whose annual reviews are outstanding are contacted as a matter of importance and that updates are requested within 6 weeks.
- For consideration of the data base to record children who are unassessed as "missing from education / under review " until the assessment is completed.

Special Educational Needs and Disability



Parents of children with SEN have equal rights to EHE if they so choose. If a child attends a special school prior to EHE the agreement of the LA must be obtained before a child's name is removed from a school roll. The current data base did not record if permission had been agreed and this detail will be reviewed in the dip sampling of children's records.

The initial data recorded that there were 175 children currently EHE with no SEN details. 19 children had EHCP plans.

Of the 19 children with EHCP:

- 11 were currently or previously known to social care
- 15 children had become EHE since the start of the pandemic in 2020
- 15 were felt to be in suitable education.
- 4 children awaiting assessment

26 children were recorded as SEN (k). These were described as children at SEN Support who would receive support short of an EHCP were they in school.

Of the 26

- 3 children had concerns about suitability of education
- 3 were unknown
- 9 children the last recorded contact was in 2020
- 2 children had no contact date recorded.

Notifications around EHE

There is no legal obligation on parents to provide notification, either in writing or otherwise, if they choose to EHE, or provide any reason for withdrawal (other than children in special schools) From 2016 the LA have to be informed of deletions from admissions registers in School.

Torbay works with other Local Authorities to identify children who have move across areas, and share data in respect of those children when they move from one authority to another.

On the data there were 35 different fields recorded as to where notifications came from in respect of EHE. These were under a number of categories and were often difficult to understand.

72 children had no notification source noted, and 18 were blank.

The 2019 guidance indicates that local authorities should consider using data to identify patterns in respect of withdrawal rates.

Recommendations

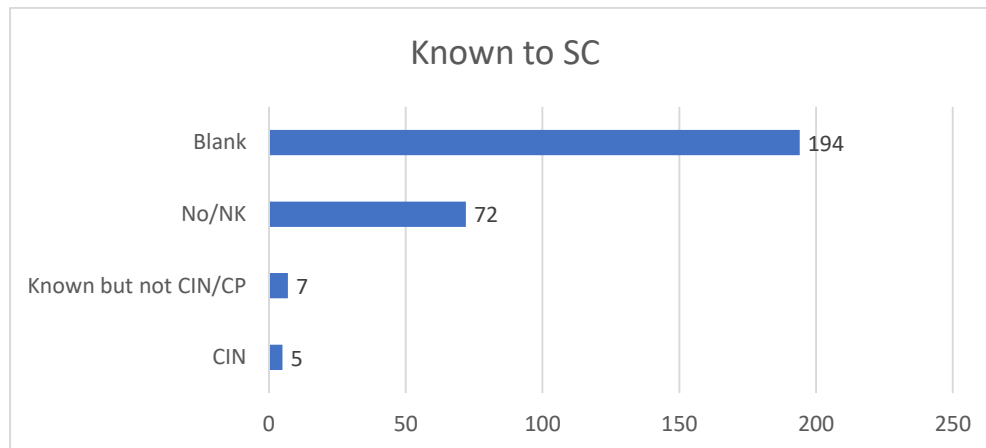
1.It is recommended that the notification sources on the data set are reviewed and that notifications from school in respect of register deletions are appropriately recorded and reviewed to ensure school compliance. These are recorded in Capita and schools challenged when an escalating incidence is noted.

2. Schools are encouraged to identify if known the reason why parents withdraw children from school.

EHE known to Social Care

Sections 10 and 11 of the Children Act 2004 give local authorities general duties for promoting the well-being and (in relation to their non-education functions) safeguarding and promoting the welfare of children in their areas. This includes children educated at home as well as those attending school. Section 175 of the Education Act 2002 requires authorities to make arrangements for ensuring that their education functions are exercised with a view to safeguarding and promoting children's welfare.

Therefore, the general duties of local authorities in relation to safeguarding are the same for all children, however they are educated.



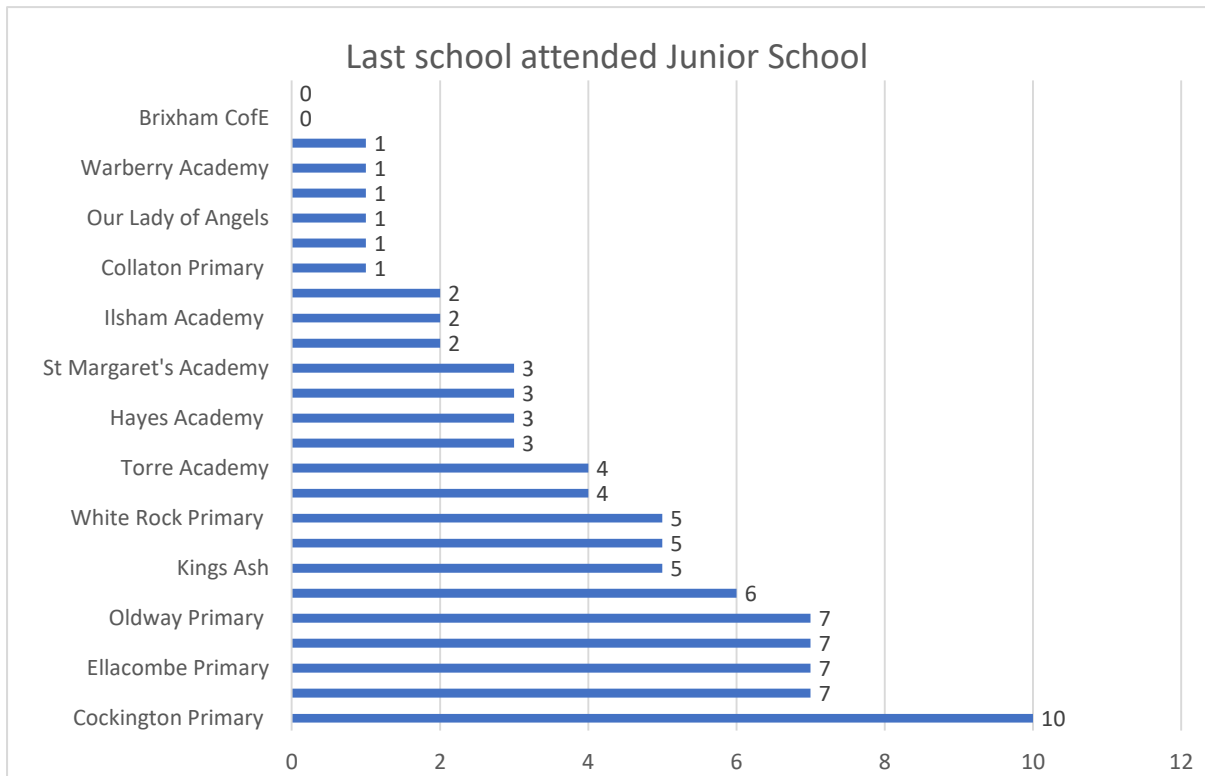
After the cross referencing the data provided with liquid logic systems there were an additional 48 children that were known / had been known to SC. (this was reliant on names being the same as on the LL system and therefore manual cross referencing will take place during the dip sampling process)

The data set doesn't evidence if consultation with other professionals takes place when a child becomes EHE, this will be reviewed in the dip sampling.

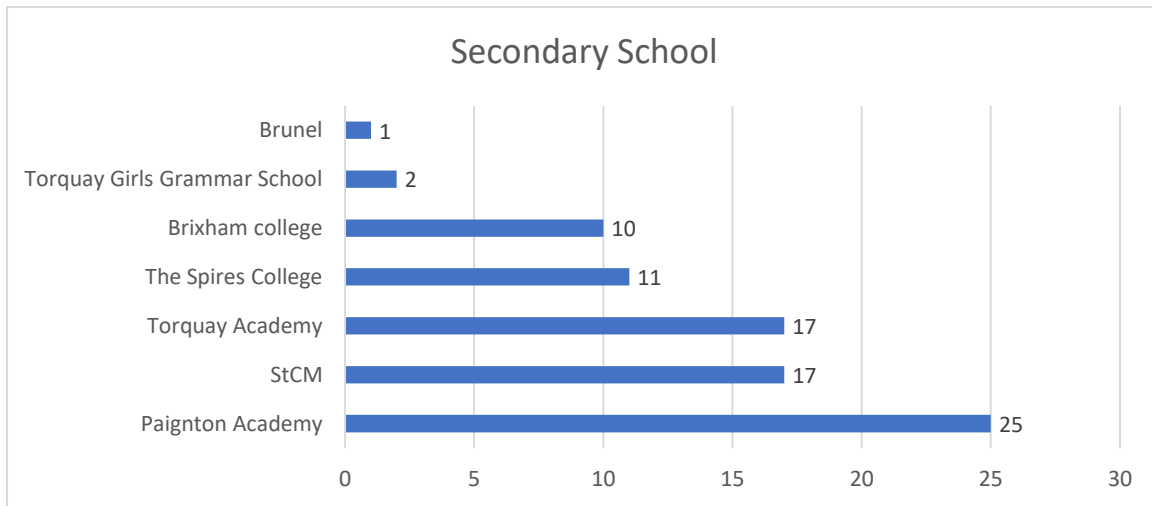
Previous Education Provision

It is important that trends in home education in a wider strategic context are explored. From the data provided 192 children who were receiving education within Junior Schools in Torbay choose to become EHE from the start of COVID 19 restrictions in 2020. From the initial data it was unclear as to if there was a trend / similarity in reasons for this.

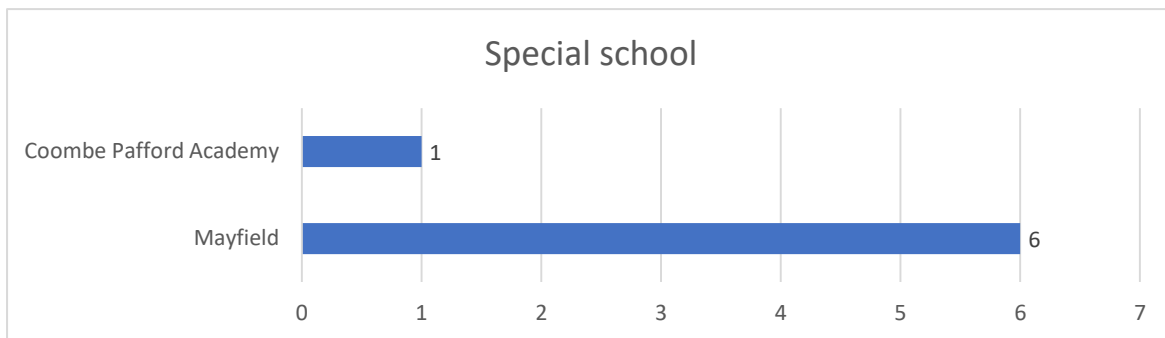
Last junior school attended



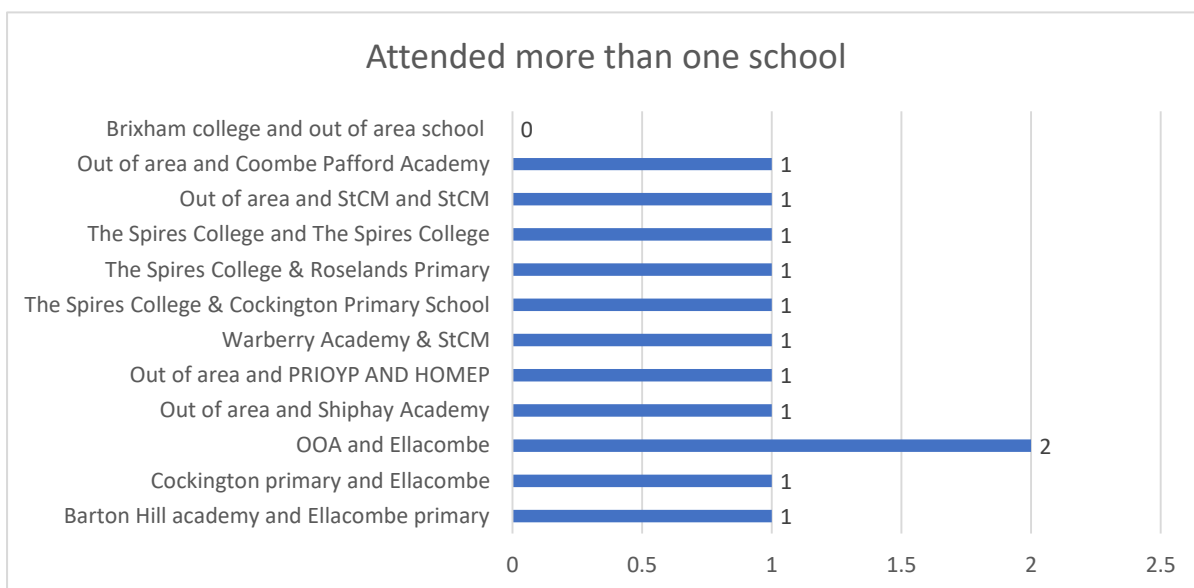
Last secondary school attended



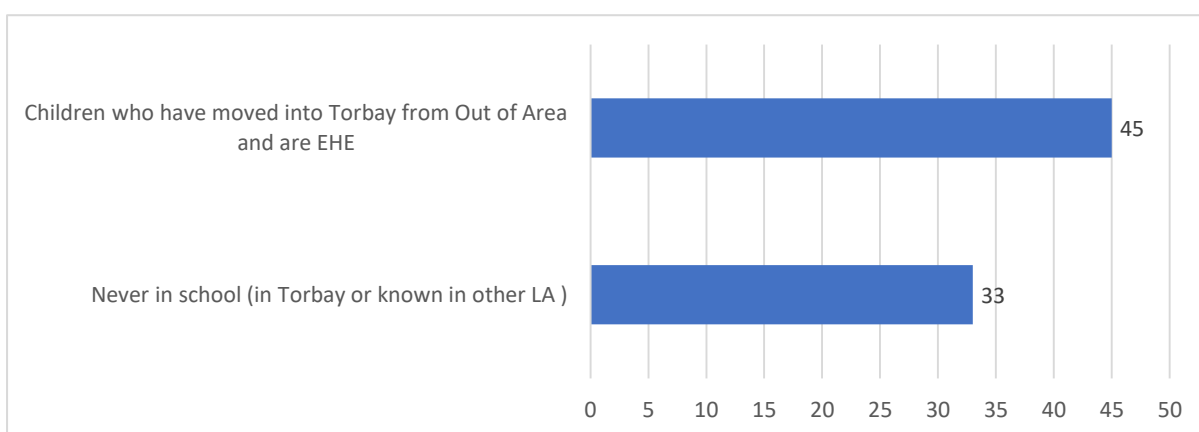
56 children from secondary schools became EHE since the start of COVID 19 in March 2020. 29 children were in year 10 or 11. Paignton Academy had the highest number of children become EHE in Torbay during the COVID pandemic.



Attended more than one school.



Never in School



Recommendations

1. That data is routinely collected and strategically reviewed to understand any trends in education provision for children who become EHE, and to reassure the local authority that "off-rolling" isn't occurring.

Summary and conclusions

The current system from recording data in respect of children who are EHE is not a reliable method of understanding the cohort of children and any potential safeguarding concerns with the EHE arrangements.

Several recommendations have been made to strengthen the current process until such time that a reliable electronic system is in place.

Sue Whitmore

Head of Service – Quality Assurance

February 2022